

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MYRA WAKHAM

Plaintiff

vs.

Civil Action No. 1:04CV207

GLENN BURGESS, et al.

Defendants

ORDER

This cause comes before the court on plaintiff's motion for this court to reconsider its ruling denying her motion to continue and to extend the discovery deadlines in this case. In her original motion, plaintiff essentially offered no specific reasons for seeking to continue the trial and/or extend the discovery deadlines in this case, merely citing unspecified "discovery disputes" and counsel's busy schedule. This court denied the motion. Plaintiff presently seeks for this court to reconsider this denial, and she has now set forth detailed descriptions of the discovery disputes which support her motion. Clearly, plaintiff should have provided these details in her initial motion, and the court would certainly be justified in finding these arguments to be procedurally barred.

However, it does appear that the discovery process has been an unusually difficult one in this case, due in part to defendants having been less than forthcoming in providing certain information and witnesses. Moreover, plaintiff notes that she has, as yet, been unable to locate a machine capable of playing the 9-11 recordings which are potentially of great relevance to this case. This court has previously noted its suspicions that the Desoto County Sheriff's Department may have sought to conceal its employees' role in the accident which claimed the life of

plaintiff's son, and, considering the seriousness of the issues in this case, the court is not inclined to find plaintiff's arguments to be procedurally barred. Clearly, the court's paramount concern in this action should be in arriving at the truth and in giving the parties a full opportunity to arrive at that truth. The court therefore concludes that the motion to reconsider should be granted and that the trial setting in this case should be continued.

In light of the foregoing, it is ordered that plaintiff's motion to reconsider [38-1] is granted. The trial in this case will be continued to a date to be determined later, and the magistrate judge should set revised discovery deadlines accordingly. The court directs all parties to make diligent and *immediate* efforts to resolve any outstanding discovery disputes.

SO ORDERED, this the 4th day of August, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE